

I. INTRODUCTION

A. Purpose

Special leave is a multi-purpose type of leave which is used when none of the other types of leaves are applicable. It is more commonly known as leave without pay, but it is also used for educational leave and for other purposes deemed to be in the best interest of the state. Regulatory reference: Classified: 101 KAR 2:100, Section 7. Unclassified: 101 KAR 3:010, Section 7.

II. LEAVE WITHOUT PAY PROCEDURES

A. General Provisions

1. All employees except per diem employees are entitled to request leave without pay.
2. The appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any calendar year.
3. An appointing authority, with approval of the commissioner, may place an employee on leave without pay for a period not to exceed thirty (30) working days pending an investigation into allegations of employee misconduct. The employee shall be notified in writing by the appointing authority that he/she is being placed on leave without pay and the reasons therefor. If such investigation reveals no misconduct on behalf of the employee, the employee shall be made whole for the period of such leave and all records relating to the investigation will be purged from agency and Department of Personnel files. The appointing authority shall notify the employee in writing of the completion of the investigation and the action taken, including those cases where the employee voluntarily resigns in the interim.
4. The appointing authority, with approval of the Commissioner of Personnel, may grant an employee a leave of absence without pay for a period not to exceed one (1) year for purposes deemed to be in the best interest of the state.
5. Special leave of absence is not generally used in the case of illness as there are provisions for sick leave without pay under the regulations pertaining to sick leave.

B. Requesting/Granting of Leave Without Pay

1. Leave without pay will be granted by the appointing authority on a case by case basis. It should be noted that employees are expected to plan and to accumulate a sufficient amount of annual and/or compensatory leave to cover any expected leave of absence from work. Leave without pay will generally only be granted when unusual circumstances are evident or to employees who do not have the privilege of annual leave.
2. Employees who are not eligible for annual leave may request up to one (1) day of leave without pay per month from their supervisor or designee using the "Request for Leave" form. All other requests for leave without pay must be submitted to the State Librarian/Commissioner in the form of a memorandum which cites the need for the leave of absence.
3. All requests for leave without pay must be submitted in advance.

III. EDUCATIONAL LEAVE PROCEDURES

A. General Provisions

1. All permanent full-time and permanent part-time employees who have satisfactorily completed the initial probationary period, or employees in the unclassified service who have completed six (6) months of continuous service are entitled to request educational leave. This requirement may be waived by the appointing authority for specific cases when the nature of the work justifies the educational leave.
2. Educational leave can be taken on a full-time or part-time basis.
3. The appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any calendar year.
4. The appointing authority, with approval of the Commissioner of Personnel, may grant a leave of absence when requested by an employee for a period not to exceed twenty-four (24) months for the following purposes, with or without pay: for assignment to and attendance at a college, university, vocational or business school for the purpose of training in subjects related to the work of the employee and which will benefit the state service. Within this agency educational leave shall be limited to six (6) months and shall be without pay.
5. If the academic standing of the employee falls below the minimums established by the educational institution, the agency shall cancel the employee's educational leave.

B. Requesting/Granting of Educational Leave

1. Educational leave will be granted by the appointing authority on a case by case basis. It should be noted that if a course of study is offered outside of working hours, the employee is expected to take the course at that time.
2. If a course of study is only available to the employee during working hours, the use of flextime, lunch hours, breaks, annual and/or compensatory leave should be examined as an alternative to educational leave without pay.
3. All requests for educational leave without pay should be submitted to the State Librarian/Commissioner in the form of a memorandum which cites the need for the leave of absence and which clearly illustrates the relationship of the training to the work of the employee.
4. If the educational leave requested is in excess of thirty (30) workdays the employee shall be required to enter into an educational leave contract which provides for a service commitment of one-half (1/2) day for each day of leave without pay.
5. As a condition of approval by the appointing authority of the educational leave contract, the employee shall sign a promissory note that in the event he/she fails to complete his/her service commitment, he/she shall pay the appointing authority 75% of his/her current daily pay for each commitment day unserved.

C. Deviations

The State Librarian/Commissioner may approve deviations from these procedures if such deviations are deemed to be in the best interest of the state service and do not conflict with 101 KAR 2:100, Section 7.